



A Trip to the Capitol to Learn about the Legislative Process

Teachers Note: This story is designed to be read at the elementary grade levels.

Ms. Martin took her third grade class on a field trip to Austin, Texas, to tour the state Capitol. Her class had been studying Texas history and was eager to learn more about their state.

When the class arrived, they met a tour guide named Gail who lead them down a long hall to the middle of the Capitol building, called the rotunda. Gail told the students to look up and pointed to the star at the top of the dome. Then she lead the class up the tall staircases to the fourth floor where they stood looking down over the railing at the spot where they had just been. Gail pointed out the "Seals of the Nation" in the center of the rotunda floor, and the Seal of the Republic of Texas, with its Lone Star, which forms the center of the giant pattern. "Texas is called the Lone Star State," said Gail. "Can anyone tell me what our state song is?" One boy quickly answered, "Our state song is 'Texas, Our Texas'." "That's right," said Gail.

"How did that song become the state song?" asked one girl. "That's a good question," said Gail, "A bill had to be passed which made 'Texas, Our Texas' not only our state song, but a state law." Gail explained that before a bill can become a law, it needs to first be sponsored by a legislator, one of the men and women who make our laws. She added that there are two kinds of legislators who represent the citizens of the State of Texas: Senators and Representatives.

Through doorways and down more staircases, the class followed Gail to the underground Capitol Extension, where state legislators office. Gail introduced the class to Representative Jones, who told the class that once a bill is sponsored by a legislator, it is sent to a committee so that the legislators can study the bill.

After talking with Representative Jones, Gail explained to the class that every committee holds a public hearing for each of the bills it studies. "Does anybody want to sit in on a public hearing?" asked Gail. "I do," said one little boy. "Me, too," said another. All of the students agreed, and the class walked quietly into a big meeting room and watched while people for and against a bill told the committee how they felt about this bill becoming a law. Ms. Martin told the students that once everyone had a chance to testify, the committee would decide whether the bill would be a good law and the bill would be approved, or rejected.

When the meeting was over, the class met in the hall and talked about what they had seen. "What happens once a bill is approved by the committee?" somebody asked. "Once a committee approves a bill, it must be approved by both the Senate and the House of Representatives before going to the Governor for his signature," said Gail. "Let's go back to the Capitol and watch the House of Representatives and the Senate at work."

On their way to the east wing of the Capitol, Gail told the class that there are three readings of a bill before a vote is taken. Today, they would hear bills being read, and since visitors are not allowed on the Senate floor during sessions without special permission, they would watch from the third-floor visitor's gallery. Ms. Martin's class filed into the gallery and looked down at the large Senate Chamber and the Senators' big wooden desks. From a podium in front, bills were being read as Senators made their decisions on which bills they thought should become laws. Next, the class viewed the proceedings in the House Chamber, in the west wing of the Capitol.

It had been a big day for Ms. Martin's class. The students saw their state capitol and real bills being passed through the legislature. Not only did they find out how a bill becomes a law, they witnessed Texas history in the making.

How a Bill Originates

A legislator wishing to pass a bill may draft the legislation personally or obtain the professional staff services of a state legislative service agency, such as the Texas Legislative Council, which is generally regarded as the bill-writing arm of the legislature. Bills may also be prepared by attorneys retained for this purpose by organizations or individuals with a particular interest in certain legislation. All bills except for general appropriations bills are limited to a single subject.

A bill may also grow out of the recommendations of a special committee created by the legislature to conduct interim studies on specific issues of legislative interest. Interim committees are appointed by the presiding officers of the house and the senate, who also specify each committee's charge and any additional authority and duties necessary to carry out the charge. Interim study committees may consist entirely of members from one chamber or, in the case of a joint committee, of members from both the house and senate. A presiding officer may also appoint citizen members and other public officials of state and local governments to an interim committee to augment its legislative membership for the purpose of conducting a special study. A special study committee expires on the release of its final report or when the next legislature convenes, whichever occurs first.

Introducing a Bill

A bill may be introduced by any member of the legislature in the member's own chamber (house or senate). The steps in a bill's progress in each house are basically the same. A bill passed by one house must proceed to the other for final passage before going to the governor for approval or veto.

To introduce a bill in the house of representatives, a state representative must first submit the required number of copies of the bill for filing to the chief clerk of the house, who sequentially numbers each document according to the order in which it is received. The house rules of procedure permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline, the introduction of any bill other than a local bill or a bill relating to a matter declared by the governor to be an emergency requires the consent of at least four-fifths of those members present and voting.

To introduce a bill in the senate, a senator must first submit the required number of copies of the bill to the secretary of the senate, who sequentially numbers each document according to the order in which it is received. The senate rules of procedure also permit unrestricted introduction of bills during the first 60 calendar days of each regular session. After the 60-day deadline in the senate, the introduction of any bill other than a local bill or a bill relating to a matter declared by the governor to be an emergency requires the consent of at least four-fifths of the membership of the senate.

The Role of Committees

The size of the legislature and the volume of work confronting it each session make thoughtful deliberation on the many proposed measures by the entire membership impossible. For this reason, the basic business in both houses is conducted

according to the committee system whereby permanent, general, and special bodies, determined and formed by the rules of the respective chambers, are appointed to consider bills introduced in the legislature and to advise on their disposition. The committee stage in the deliberative process is at the core of legislative politics since the fate of bills under consideration hinges on committee action. A large percentage of all legislation is never reported out of committee. Thus, committee action is the first crucial step in the process by which a bill becomes law.

Referral to a Standing Committee

The Texas Constitution provides that no bill may be considered on the floor of a chamber by its members unless the bill first has been referred to a committee and the committee has issued its report on the bill. When a bill is introduced or received from the opposite chamber for consideration, it is read for the first time by its caption and referred by the speaker or lieutenant governor to an appropriate committee. Known as standing committees, these bodies are created in the rules of the respective houses at the beginning of each regular session and typically consist of seven to 15 members. In the house rules, each committee is assigned jurisdiction over a specific subject matter, and the speaker refers legislation to house committees based on those subject matter jurisdictions. In its rules, the senate does not provide subject matter jurisdictions for its committees. Although the lieutenant governor is free to refer legislation in the senate to any standing committee, unofficial subject matter jurisdictions are usually established and followed to prevent duplication of effort by committees.

In the house of representatives, committee membership is determined in part by seniority and in part by appointments by the speaker. Each representative sits on at least one committee, and most representatives sit on two or three committees. For the 74th Texas Legislature, the house has 36 standing committees.

In the senate, committee membership is determined entirely by appointment by the lieutenant governor. Senators typically sit on three or four committees each. For the 74th Texas Legislature, the senate has 14 standing committees.

Immediately after a bill has been referred to committee, a determination must be made as to whether a fiscal note or other impact statement is required and, if so, a copy of the bill is sent to the appropriate state agency (e.g., the Legislative Budget Board, the State Pension Review Board, or the Texas Natural Resource Conservation Commission) for preparation of the note or statement. In the house, that document must be attached to the affected bill before a public hearing on the bill may be held, and if the bill is reported from committee, the fiscal note or other impact statement must be attached to the bill when it is printed and distributed to the members of the house. In practice, the senate merely requires that a copy of the fiscal note or other impact statement be provided to each senator before the bill is considered by the full senate.

A bill requiring extensive analysis is often assigned to a subcommittee of the standing committee to which the bill has been referred. Subcommittees are appointed by the committee chair from the standing committee's membership. After careful scrutiny of the bill under consideration, the subcommittee makes a report to the full committee.

The Committee Process

All committee business is required to be conducted in public meetings. No official action may be made or vote taken except in a meeting that is open to the public. The house rules permit a house committee or subcommittee to meet (1) in a public hearing where testimony is heard and where official action may be taken on bills, resolutions, or other matters; (2) in a formal meeting where the members may discuss and take official action without hearing public testimony; or (3) in a work session for discussion of matters before the committee without taking formal action. The senate rules do not provide for different types of meetings. Therefore, testimony may be heard and official action may be taken at any meeting of a senate committee or subcommittee. Although a committee is not required to solicit public testimony on any bill, public testimony is almost always solicited on bills of outstanding importance, allowing citizens the opportunity to present arguments on different sides of an issue.

A house committee or subcommittee holding a public hearing during a legislative session must post notice of the hearing at least five calendar days before the hearing during a regular session and at least 24 hours in advance of the hearing during a special session. If a house committee or subcommittee is convening for a formal meeting or a work session, written notice must be posted and transmitted to each member of the committee two hours in advance of the meeting or an announcement must be filed with the journal clerk and read in the house while the house is in session. A senate committee or subcommittee must post notice of a meeting at least 24 hours before the meeting.

Committee Reports

After considering a bill, a committee may choose to take no action or may issue a report on the bill to the house or senate. The committee report, expressing the committee's recommendations regarding house or senate action on a bill, includes a record of the committee's vote on the report, the text of the bill as reported by the committee, a detailed bill analysis, and a fiscal note or other impact statement, as necessary.

In the house, all parts of the committee report are assembled and printed and distributed to the members as a single document. In the senate, the various parts of the committee report are printed and distributed separately to the senators. Committee reports are advisory only and may take several forms. The committee may recommend passage of the bill without amendments, or it may recommend amendments to the bill or even substitute a new bill for the original document.

In the house, all committee reports are referred to the chief clerk, who forwards them to the printer. After being printed, a copy of the house committee report printing (which includes bill text, the committee's recommendation and vote on the bill, the bill analysis, the fiscal note, and other necessary impact statements) is placed in the post office box of each member of the house. The chief clerk then delivers a certified copy of the committee report to the appropriate calendars committee (e.g., the Committee on Calendars or the Committee on Local and Consent Calendars) for placement of the bill on a calendar for consid-

eration by the full house. Calendars committees are given wide discretion in scheduling bills for floor action.

The senate rules also require committee reports to be printed. After being printed, a copy of the senate committee report printing (which includes bill text and the committee's recommendation and vote on the bill) is placed in the bill book on each senator's desk in the senate chamber. When the bill analysis, the fiscal note, and other necessary impact statements have been completed and printed, a copy of those documents is also placed in each senator's bill book. Except for the role of the Committee on Administration in scheduling local and noncontroversial bills for consideration, there is no equivalent to a calendars committee in the senate. Bills are placed on the regular order of business for consideration by the full senate in the order in which the printed committee reports are received by the secretary of the senate for placement in the senators' bill books. For all practical purposes, the regular order of business is merely a listing of bills that are eligible for consideration, because the senate rules provide that a bill on the regular order of business may not be brought up for floor consideration unless the senate sponsor of the bill has filed with the secretary of the senate a written notice of intent to suspend the regular order of business for consideration of the bill.

House Calendars and Lists of Items Eligible for Consideration

House calendars. After a bill or resolution has been reported favorably by a standing committee and the committee report has been printed, the chief clerk forwards the measure to the appropriate calendars committee for placement on a calendar. The house rules provide for four types of calendars:

- (1) the Daily House Calendar, which contains a list of new bills and resolutions scheduled by the Committee on Calendars for consideration by the house and which must be distributed to the members 36 hours before the house convenes during regular sessions and 24 hours before the house convenes during special sessions;
- (2) the Supplemental House Calendar (prepared by the Committee on Calendars), which must be distributed two hours before the house convenes and which may contain: (a) measures passed to third reading on the previous day; (b) measures on the Daily House Calendar for a previous day which were not reached for consideration; (c) measures on the Daily House Calendar for the current day; (d) postponed business from a previous day; and (e) notice to call from the table a measure laid on the table subject to call on a previous day;
- (3) the Local, Consent, and Resolutions Calendar, which must be distributed to the members 48 hours before the house convenes and which contains a list of local or non-controversial bills scheduled by the Committee on Local and Consent Calendars for consideration by the house; and

(4) the Congratulatory and Memorial Calendar, which must be distributed 24 hours before the house convenes and which contains a list of congratulatory and memorial resolutions and motions scheduled by the Committee on Rules and Resolutions for consideration by the house.

The Supplemental House Calendar, because it includes the measures listed on the Daily House Calendar, is the primary agenda followed by the house during its deliberations. The Local, Consent, and Resolutions Calendar and the Congratulatory and Memorial Calendar are special calendars that are prepared approximately once a week during the last half of a regular session. In addition to the four calendars listed above, the house rules provide for nine categories which may be used to group bills and resolutions on those calendars. Those categories, listed in order of priority, are the: (1) emergency calendar; (2) major state calendar; (3) constitutional amendments calendar; (4) general state calendar; (5) local calendar; (6) consent calendar; (7) resolutions calendar; (8) congratulatory and memorial resolutions calendar; and (9) motions calendar. Within each category, senate bills and resolutions are required to be listed on the calendars separately from house bills and resolutions, and consideration of senate bills and resolutions on senate bill days (Wednesdays and Thursdays) has priority in the order specified by house rule.

Except during the latter part of the regular session when calendars become especially lengthy, the house normally considers all measures listed on its calendars before adjourning or recessing for the day.

List of Items Eligible for Consideration. This list is prepared by the chief clerk of the house, upon request of the speaker, when the volume of legislation warrants (normally during the last few weeks of a regular session). The list must be distributed six hours before it may be considered and contains: (1) house bills with senate amendments eligible to be considered; (2) senate bills for which the senate has requested the appointment of a conference committee; and (3) conference committee reports eligible to be considered.

Senate Agenda and Intent Calendar

Senate agenda. The Texas Senate agenda includes the following information: (1) notice of intent, giving the number, author or sponsor, and short caption for each measure that may be considered during the day's session; (2) list of senate bills returned from the house with amendments; (3) status of bills in conference committees, giving a short caption and brief history of the action on the bills; (4) local and uncontested bills calendar; (5) gubernatorial appointments to boards and commissions that have been reported favorably from senate standing committees and are awaiting confirmation by the senate; (6) committee hearings scheduled, including short captions for all measures scheduled to be considered by the committees; (7) regular order of business, listing all bills and resolutions that have been reported favorably from committees in the order in which they were reported to the senate; (8) senate floor action, giving the numbers and short captions for and action taken on all measures brought up for consideration during the previous legislative day; and (9) senate committee action, giving the same infor-

mation for all measures considered by committees on the previous day. Copies of the senate agenda are available the morning of each legislative day.

Intent calendar. Senate rules require that bills and resolutions be listed on the regular order of business and be considered on second reading in the order in which committee reports on the measures are submitted to the senate. Traditionally, the senate adopts a further rule specifying that before a bill or joint resolution may be brought up for floor debate out of its regular order, Notice of Intent must be filed with the secretary of the senate by 4 p.m. on the last preceding calendar day the senate was in session. Senate rules direct the secretary of the senate to prepare a list of all legislation for which notice has been given. The list must be made available to each member of the senate and to the press not later than 6:30 p.m. on the day the notice is filed. A vote of two-thirds of the members present is additionally required before any of the measures listed on the Intent Calendar may be debated. The senate rules do not require measures to be brought up for consideration in the order listed on the Intent Calendar, and the senate routinely considers only a portion of those measures listed on the Intent Calendar for a given day. A senator must give notice from day to day in order for a measure that was not brought up for consideration to remain on the Intent Calendar.

Floor Action

The first real floor consideration of a bill occurs on its second reading. After it is read the second time, again by caption only, the measure is subject to debate and amendment by the entire membership of the chamber. On second reading, a bill may be amended by a simple majority. If no amendment is made, or if those proposed are disposed of, the final action on second reading of a bill is a vote on its passage to engrossment, if the bill is being considered in the chamber in which it was introduced, or passage to third reading, if the bill is being considered in the opposite chamber. The bill is then laid before the body for a third reading and final passage. A bill may be amended again on third reading, but amendments at this stage require a two-thirds majority for adoption.

Although the Texas Constitution requires a bill to be read on three separate days in each house before it can have the force of law, this constitutional rule may be suspended by a four-fifths vote of the house in which the bill is pending. In such cases, the bill is given an immediate third reading following the vote to pass the bill to engrossment or third reading. The senate routinely suspends this constitutional provision in order to give a bill an immediate third reading. The house, however, rarely suspends this provision, and third reading consideration of a bill in the house normally occurs on the day following second reading consideration.

After a bill has been read a third time, it is voted on for final passage. If the bill receives a simple majority vote, it is considered passed, and the chief clerk of the house or the secretary of the senate, as appropriate, certifies the bill's final passage, noting on it the date of its passage and the vote by which it passed. When the bill is passed in the originating chamber, the bill is engrossed, and an exact and accurate copy of the bill, with all corrections and amendments incorporated into it, is prepared and sent to the opposite chamber for consideration. When the bill is passed in the opposite chamber, a new copy of the bill is not pre-

pared. Rather, the bill is immediately returned to the originating chamber with any amendments simply attached to the bill.

Consideration of Local and Noncontroversial Bills

The house and senate rules both provide for special calendars for the consideration of local and noncontroversial bills. The calendar used for consideration of these bills in the house is the Local, Consent, and Resolutions Calendar, which is set by the Committee on Local and Consent Calendars. A standing committee may recommend, when reporting a bill or resolution, that the measure be sent to the Committee on Local and Consent Calendars for placement on an appropriate calendar. Such a recommendation requires the unanimous consent of all the committee members present when the measure is reported from committee. Measures that are eligible for consideration by the Committee on Local and Consent Calendars are bills that are local as defined by the house rules and bills and resolutions to which no opposition is anticipated. If it determines that a measure is not eligible for placement on the Local, Consent, and Resolutions Calendar, the Committee on Local and Consent Calendars has the power to transfer the measure to the Committee on Calendars. Local, Consent, and Resolutions Calendars are normally prepared for consideration by the house once a week during the last half of the regular session. These calendars are normally lengthy, but consideration of them is expedited because debate is limited and amendments to measures on these calendars may not be offered unless they have first been approved by the Committee on Local and Consent Calendars. A measure may be removed from the Local, Consent, and Resolutions Calendar if debate exceeds 10 minutes or if five or more representatives object to the consideration of the measure.

The calendar used for consideration of local and noncontroversial bills in the senate is the Local and Uncontested Calendar, which is set by the Committee on Administration. A measure may not be considered by the Committee on Administration for placement on the Local and Uncontested Calendar unless both the sponsor of the measure and the chair of the committee from which the measure was reported file a written request for placement on the Local and Uncontested Calendar with the Committee on Administration. Measures that are eligible for consideration by the Committee on Administration are bills that are local as defined by the senate rules and bills and resolutions to which no opposition is anticipated. Local and Uncontested Calendars are normally prepared for consideration by the senate once or twice a week during the last half of the regular session. Measures on the Local and Uncontested Calendar may be considered without a suspension of the regular order of business, which is normally required for consideration of legislation in the senate. As in the house, consideration of Local and Uncontested Calendars in the senate is expedited because the measures on these calendars are not normally debated and amendments to measures on these calendars are prohibited. A measure may be removed from the Local and Uncontested Calendar if two or more senators object to the consideration of the measure.

Return of a Bill to the Originating Chamber— Action on Amendments

After a bill has passed through three readings in the opposite chamber, the bill is sent back to the originating chamber and, if there have been no amendments, the bill is enrolled. The enrolled bill is then signed by both presiding officers in the presence of their respective chambers and sent to the governor. When a bill that has been amended by the opposite chamber is returned to the originating chamber, the originating chamber must concur with all of the amendments made by the opposite chamber before the bill can be enrolled. If the originating chamber does not concur with any or all of the opposite chamber's amendments, it may request the appointment of a conference committee to resolve the differences between the house and senate versions of the bill.

Conference Committee

If a conference committee is called for, the two presiding officers appoint five members each from their respective chambers to serve on the committee. A conference committee's charge is limited to reconciling differences between the two houses, and the committee, unless so directed, may not alter, amend, or omit text that is not in disagreement. Nor may the committee add text on any matter that is not in disagreement or that is not included in either version of the bill in question. After the committee has met and reached an agreement, a report is submitted to both houses for approval or disapproval. The report must be approved by at least three conferees from each house and must contain the text of the bill as approved by the conference committee, an analysis comparing the text of the compromise bill to both the house and senate versions, and the signatures of those members of the conference committee who approved the report. A conference committee report is not subject to amendment but must be accepted or rejected in its entirety.

Should the proposed compromise remain unacceptable to either house, it may be returned to the same conference committee for further deliberation, with or without specific instructions, or the appointment of a new conference committee may be requested. Failure of the conference committee to reach agreement kills the measure. If the conference committee report is acceptable to both houses, the bill is enrolled, signed by both presiding officers in the presence of their respective chambers, and sent to the governor.

Governor's Action

Upon receiving a bill, the governor has 10 days in which to sign the bill, veto it, or allow it to become law without a signature. If the governor elects to veto the bill and the legislature is still in session, the bill is returned to the house in which it originated with an explanation of the governor's objections. A two-thirds majority in each house is required to override the veto. If the governor neither vetoes nor signs the bill within the allotted time period, the bill becomes a law. If a bill is sent to the governor within 10 days of final adjournment, the governor has until 20 days after final adjournment to sign the bill, veto it, or allow it to become law without a signature.

Other Types of Legislation Resolutions

A resolution is a legislative document used to express the collective will of the members of the legislature or of either house. Resolutions are used to handle specific activities of the legislature and are commonly used to propose amendments to the Texas Constitution, take care of housekeeping functions, convey congratulations or condolences to individuals or groups in the state, express legislative intent, express an opinion or sentiment on matters of public interest, give direction to a state agency or official, or call upon certain governmental agencies, offices, or units such as the U.S. Congress to take a specific course of action. They are legislative instruments that must be introduced, assigned numbers, and acted on by the legislature. Except for concurrent resolutions, the governor need not sign and cannot veto them. There are three types of resolutions: joint resolutions, concurrent resolutions, and simple resolutions.

Joint Resolutions

Joint resolutions are used to propose amendments to the Texas Constitution, ratify proposed amendments to the U.S. Constitution, or request a constitutional convention to propose amendments to the U.S. Constitution. Joint resolutions proposing amendments to the Texas Constitution require a vote of two-thirds of the total membership of each house for adoption. Other joint resolutions require a simple majority vote in each house for adoption. A joint resolution takes the same course through both houses as a bill and is like a bill in all respects, except that if it receives the required number of votes at any reading after the first in the house, the resolution is passed. Three readings are still required to pass a joint resolution in the senate. Joint resolutions passed by the legislature are not submitted to the governor for signing, but are filed directly with the secretary of state. An amendment to the Texas Constitution proposed by an adopted joint resolution does not become effective until it is approved by Texas voters at a general election.

Concurrent Resolutions

A concurrent resolution is used when both houses have an interest in a particular matter. Such resolutions may originate in either house but must be adopted by both. A concurrent resolution passed by both houses may be used for matters affecting operations and procedures of the legislature, such as joint sessions or adjournment sine die. Frequently, concurrent resolutions are used to memorialize the U.S. Congress, give directions to a state agency or officer, or express views of the legislature. Concurrent resolutions, except those that pertain solely to procedural matters between the two houses, must be submitted to the governor for approval.

Simple Resolutions

House or senate resolutions pertain to matters considered by the house of origin only. Numbered separately from other types of resolutions or bills, they are used for such purposes as adopting or changing rules of procedure or expressing congratulations or condolences.